

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CAROL LEITNER

Plaintiff,

-against-

Index No: 12 CIV 3778 (Seibel, C.)

**NOTICE OF DEFENDANTS'
MOTION TO DISMISS**

WESTCHESTER COMMUNITY COLLEGE, JOSEPH HANKIN, in his personal and official capacity as President of Westchester Community College, CHET ROGALSKI, in his personal and official capacity as Dean and Vice President of Academic Affairs, JIANPING WANG, in her personal and official capacity as Associate Dean of the Arts and Humanities, and GABRIELLE MILLER, in her personal and official capacity as Curricular Chairperson of the Communications and Media Arts Department

Defendants.
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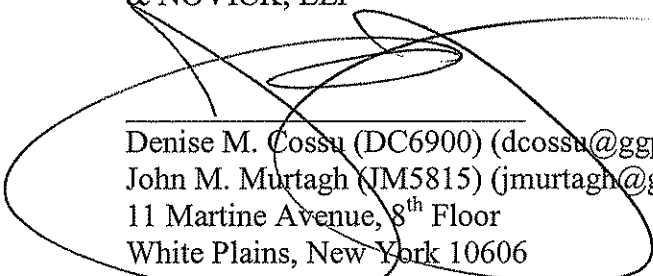
PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss dated October 26, 2012, the Declaration of John M. Murtagh, Esq. dated October 26, 2012, and the exhibits annexed thereto, and all prior papers and proceedings heretofore had herein, defendants WESTCHESTER COMMUNITY COLLEGE ("WCC"), JOSEPH HANKIN, in his personal and official capacity as President of Westchester Community College, CHET ROGALSKI, in his personal and official capacity as Dean and Vice President of Academic Affairs, JIANPING WANG, in her personal and official capacity as Associate Dean of the Arts and Humanities, and GABRIELLE MILLER, in her personal and official capacity as Curricular Chairperson of the Communications and Media Arts Department ("Individual Defendants") (collectively, the "Defendants"), will move this Court before the Honorable Cathy Seibel, United States District Judge, Southern District of New York, at the

Courthouse thereof, 300 Quarropas Street, White Plains, New York, on the 17th day of December 2012 at 9:30 AM or as soon thereafter as counsel can be heard, for an order pursuant to Federal Rules of Civil Procedure 12 (b)(1) and 12(b)(6), dismissing the Complaint dated May 11, 2012 with prejudice in its entirety on the grounds that (i) this Court lacks subject matter jurisdiction, (ii) the Complaint fails to state a claim upon which relief can be granted, and (iii) alternatively, that the Individual Defendants are entitled to immunity and the claims against them should be dismissed with prejudice, together with such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the Order of the Court dated July 27, 2012, answering papers, if any, are required to be served upon the undersigned on November 30, 2012.

Dated: White Plains, New York
October 26, 2012

GAINES, GRUNER, PONZINI
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